

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.10089 of 2020

S.R.B.Arun Kumara

... Petitioner

Vs.

State Represented by :-

The Inspector of Police
Kanathur Police Station,
Chengalpattu District.
Cr. No.75 of 2020

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in respect of Crime No.75 of 2020, on the file of the Inspector of
police, Kanathur Police Station, Pending investigation..

For Petitioner : Mr.S.B.Viswanathan

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

(The case has been heard through video confernce)

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Section
420 of IPC in Crime No.75 of 2020, on the file of the respondent
police, seeks anticipatory bail.

2. It is the case of the prosecution is that the petitioner
cheated the defacto complainant under the guise of exporting
surgical masks to the value of Rs.28,12,500/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit
that the petitioner is the manufacturer of surgical mask and he has
also exported the goods through proper license. The petitioner has
also raised a trade dispute with the Joint Commissioner, National
Anti Profiteering complaint cell, New Delhi and the dispute is
pending. He would reiterate that the entire goods has been exported.
However, without prejudice to his contention the petitioner is
prepared to deposit the original title deeds of document worth about
Rs.30,00,000/- to show his bonafide. Hence, he prayed for grant of
anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner cheated the defacto complainant on the pretext of supplying Surgical Masks after receiving amount of Rs.28,12,500/-. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Taking into Consideration of the facts and circumstances and the submissions made by the counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] Accordingly, the petitioner is directed to deposit the original title deeds worth Rs.30,00,000/- (Rupees Thirty Lakhs Only) standing in the name of the petitioner/friends/relatives, to the credit of Crime No.75 of 2020, within a period of fifteen days from the date of lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate-II, Alandur, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30a.m., for a period of two weeks and thereafter, on every Monday at 10.30 a.m. until further orders.

[d] the final order in respect of the said deposit shall be passed by the learned Magistrate at the conclusion of trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8.With the above directions, this Criminal Original Petition is ordered.

-sd/-

09/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, ALANDUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
KANATHUR POLICE STATION,
CHENGALPATTU DISTRICT.

CC to M/S. S.B.VISWANATHAN Advocate on payment of necessary charges

CRL OP.10089/2020

Date :09/07/2020

RVR 03/09/2020

सत्यमेव जयते
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